

UNITED STATES DISTRICT COURT

for the

DISTRICT OF SOUTH DAKOTA

FILED
DEC 10 2009

CLERK

U.S.A. vs. Patrick Vincent Sanders, Jr.

Docket No. 4:06CR40095-01

Petition to Revoke Supervised Release

COMES NOW SCOTT CANTER, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Patrick Vincent Sanders, Jr., who was sentenced to two terms of Supervised Release on the 14th day of May, 2007, by the Honorable Lawrence L. Piersol sitting in the Court at Sioux Falls, SD. The original offenses were Wire Fraud (Count 4), which is a Class C Felony; and Bank Fraud (Count 34), which is a Class B Felony. The maximum term of imprisonment upon revocation for a Class C Felony is two years, and the maximum term for a Class B Felony is three years. The Supervised Release commenced on 6/17/2009. The Court imposed the conditions of Supervised Release heretofore adopted as follows:

General Condition: The defendant shall not commit another federal, state, or local crime.

Standard Condition No. 7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Special Condition No. 8: The defendant shall submit a sample of his blood, breath, or urine at the discretion or upon request of the probation office.

THEREAFTER, NON-COMPLIANT BEHAVIOR OCCURRED RESULTING IN SUPERVISION INTERVENTIONS AS FOLLOWS:

Patrick Vincent Sanders, Jr., hereinafter the defendant, began supervised release on 6/17/2009. Prior to his release, the defendant was under the custody of the Bureau of Prisons, residing at the Glory House in Sioux Falls. While a resident at Glory House, the defendant secured employment with Next 2 New Automotive in Sioux Falls.

On 9/29/2009 the probation officer received information the defendant was writing fraudulent checks on his employer's business account and was advised charges would be forthcoming. On 12/3/2009 an Indictment was filed in Minnehaha County, charging the defendant with two counts of Grand Theft and two counts of Fraud. The defendant is alleged to have written/cashed/fraudulently used approximately 18 checks on Next 2 New Automotive's business account, totaling approximately \$55,639.56. As a result of his conduct, the defendant's employment with Next 2 New Automotive was terminated on 12/8/2009.

On 12/8/2009 the defendant reported to the probation office as instructed by the probation officer. At that time, the probation officer learned the defendant had not reported to the Arch to have his drug testing patch replaced since 11/11/2009. The defendant was previously instructed to report to the Arch on a weekly basis, which he had done until 11/18/2009, at which time he failed to report to have his drug testing patch removed and replaced.. The defendant initially lied and indicated the Arch must not have been recording his drug tests accurately. However, he later admitted he did not report to the Arch on 11/18/2009 because he believed the result would be positive for amphetamine. In addition, the defendant admitted he used amphetamine on 11/21/2009, and again on 11/29/2009.

During the evening of 12/8/2009, the defendant reported to the Arch as instructed to submit a urine sample. The urine sample tested positive for the use of amphetamines. The defendant was confronted about the positive urine sample on 12/9/2009. He was advised the urine sample he provided at the Arch should have been negative if he had not used amphetamine since 11/29/2009. He insisted he had not used amphetamine since that time.

While the defendant was at the probation office on 12/9/2009, a detective with the Sioux Falls Police Department contacted the probation officer and advised there was a warrant for the defendant's arrest for the aforementioned behavior involving Next 2 New Automotive. As a result, uniformed officers with the Sioux Falls Police Department were notified, and they took the defendant into custody while he was at the probation office. That same day, a cash bond of \$10,000 was posted, and the defendant was released from custody.

The non-compliant behaviors described in the paragraphs above are the basis of the corresponding allegations listed below. They are included here to show the pattern of non-compliant behavior and the corresponding corrective measures initiated by the Probation Office.

NOW RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

1. From on or about 8/15/2009 through 9/25/2009, at Sioux Falls, SD, Patrick Vincent Sanders, Jr. committed the offenses of Grand Theft and Fraud, in violation of the General Conditions of Supervised Release.
2. On or about 11/18/2009, at Sioux Falls, SD, Patrick Vincent Sanders, Jr. did fail to report for drug testing as directed by the probation office, in violation of Special Condition No. 8 of the Conditions of Supervised Release.
3. On or about 11/21/2009, at Sioux Falls, SD, Patrick Vincent Sanders, Jr., did use a controlled substance, that is, amphetamine, in violation of Standard Condition No. 7 of the Conditions of Supervised Release.
4. On or about 11/29/2009, at Sioux Falls, SD, Patrick Vincent Sanders, Jr., did use a controlled substance, that is, amphetamine, in violation of Standard Condition No. 7 of the Conditions of Supervised Release.

PRAYING THAT THE COURT WILL ORDER that a warrant be issued for the arrest and return to Court of Patrick Vincent Sanders for a hearing to determine whether the Order heretofore granting Supervised Release should now be revoked.

I, SCOTT CANTER, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

ORDER OF COURT

Considered and ordered this 10th day of Dec., 2009, that the within and foregoing petition be made part of the record in the above-entitled case and that a warrant be forthwith issued.



United States District Judge

Respectfully,



U.S. Probation Officer

Place: Sioux Falls

Date: December 10, 2009